

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

**OMB No 0930-0222**

**FFY 2021**

**State: DE**

DRAFT

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Public Burden Statement: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222. Public reporting burden for this collection of information is estimated to average 18 hours per respondent, per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Rockville, MD 20857.

## INTRODUCTION

The Annual Synar Report (ASR) format provides the means for states to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the Substance Abuse Prevention and Treatment Block Grant (SABG) (45 C.F.R. 96.130 (e)).

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, states are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2020 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2021 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate state compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist states<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including state Synar program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

### **How the Synar report can help states**

The information gathered for the Synar report can help states describe and analyze substate needs for program enhancements. These data can also be used to report to the state legislature and other state and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from state Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of state progress in implementing Synar, including state difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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<sup>1</sup>The term “state” is used to refer to all the states and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

## Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2550 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Financial Resources, Division of Grants Management, at (240) 276-1422.

## Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2020 and must be submitted in the format specified by these instructions. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page one of the ASR certifying that the state has complied with all reporting requirements.

The state must upload one copy of the ASR using the online WebBGAS (Block Grant Application System). In addition, the following items must be uploaded to WebBGAS:

- FFY 2021 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of *SSES Tables 1–8* (in Excel) to WebBGAS. **Please note that, beginning with the FFY 2021 ASR, SSES will generate Tables 6, 7, and 8, which are based on the optional microdata on product type, retail outlet type, and whether identification was requested. If your state does not submit these optional data, Tables 6, 7, and 8 will be blank. Tables 6, 7, and 8 are generated for the convenience of the state, and states are not required to submit completed versions of Tables 6, 7, or 8.** States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel), as well as a database with the raw inspection data to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections. This document should be different than the Appendix C attached to the Annual Synar Report
- A scanned copy of the signed Funding Agreements/Certifications

Each state SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

## FFY 2021: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

<b>PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT</b>	
42 U.S.C. 300x-26 requires each state to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the state has complied with these reporting requirements and the certifications as set forth below.	
<b>SYNAR SURVEY SAMPLING METHODOLOGY</b>	
The state certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2021 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>SYNAR SURVEY INSPECTION PROTOCOL</b>	
The state certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2021 is up-to-date and approved by the Center for Substance Abuse Prevention.	
<b>State:</b> Delaware	
<b>Name of Chief Executive Officer or Designee:</b> Alexis Teitelbaum	
<b>Signature of CEO or Designee:</b>	
<b>Title:</b> Acting Director, Division of Substance Abuse and Mental Health	<b>Date Signed:</b>
<b>If signed by a designee, a copy of the designation must be attached.</b>	

**SECTION I: FFY 2020 (Compliance Progress)**

**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the states to report information regarding the sale/distribution of tobacco products to individuals under age 18.

**1. Please indicate any changes or additions to the state tobacco statute(s) relating to youth access since the last reporting year. If any changes were made to the state law(s) since the last reporting year, please upload a copy of the state law to WebBGAS. (see 42 U.S.C. 300x-26).**

**a. Has there been a change in the minimum sale age for tobacco products?**

Yes  No

*If Yes, current minimum age:*  19  20  21

**b. Have there been any changes in state law that impact the state’s protocol for conducting Synar inspections?**

Yes  No

*If Yes, indicate change. (Check all that apply.)*

- Changed to require that law enforcement conduct inspections of tobacco outlets
- Changed to make it illegal for youth to possess, purchase or receive tobacco
- Changed to require ID to purchase tobacco
- Changed definition of tobacco products
- Other change(s) *(Please describe.)* \_\_\_\_\_

**c. Have there been any changes in state law that impact the following?**

- Licensing of tobacco vendors  Yes  No
- Penalties for sales to minors  Yes  No
- Vending machines  Yes  No
- Added product categories to youth access law  Yes  No

**2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) was made public within the state prior to submission of the ASR. (Check all that apply.)**

- Placed on file for public review
- Posted on a state agency Web site *(Please provide exact Web address and the date when the FFY 2021 ASR was posted to this Web address.)*

*Web address:* <https://www.dhss.delaware.gov/dhss/pubs.html>

*Date published:* December 14, 2020

- Notice published in a newspaper or newsletter
- Public hearing

- Announced in a news release, a press conference, or discussed in a media interview
- Distributed for review as part of the SABG application process
- Distributed through the public library system
- Published in an annual register
- Other *(Please describe.)* \_\_\_\_\_

**3. Identify the following agency or agencies** *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).*

**a. The state agency(ies) designated by the Governor for oversight of the Synar requirements:**

Department of Health and Social Services/Division of Substance Abuse and Mental Health

Has this changed since last year's Annual Synar Report?

- Yes  No

**b. The state agency(ies) responsible for conducting random, unannounced Synar inspections:**

Department of Safety and Homeland Security's Division of Alcohol and Tobacco Enforcement (DATE)

Has this changed since last year's Annual Synar Report?

- Yes  No

**c. The state agency(ies) responsible for enforcing youth tobacco access law(s):**

Department of Safety and Homeland Security's Division of Alcohol and Tobacco Enforcement (DATE)

Has this changed since last year's Annual Synar Report?

- Yes  No

**4. Identify the following agencies and describe their relationship with the agency responsible for the oversight of the Synar requirements.**

**a. Identify the state agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).**

Department of Health and Social Services/Division of Public Health

**b. Has the responsible agency changed since last year's Annual Synar Report?**

- Yes  No

**c. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies**

- Are the same
- Have a formal written memorandum of agreement
- Have an informal partnership
- Conduct joint planning activities
- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_
- No relationship

**d. Does a state agency contract with the Food and Drug Administration's Center for Tobacco Products (FDA/CTP) to enforce the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act?**

- Yes  No (if no, go to Question 5)

**e. If yes, identify the state agency responsible for enforcing the youth access and advertising restrictions in the Family Smoking Prevention and Tobacco Control Act (the agency that is under contract to the Food and Drug Administration's Center for Tobacco Products (FDA/CTP)).**

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**f. Has the responsible agency changed since last year's Annual Synar Report?**

- Yes  No

**g. Describe the coordination and collaboration that occur between the agency contracted with the FDA to enforce federal youth tobacco access laws and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies:**

- Are the same
- Have a formal written memorandum of agreement
- Have an informal partnership
- Conduct joint planning activities
- Combine resources
- Have other collaborative arrangement(s) *(Please describe.)* \_\_\_\_\_
- No relationship

**h. Does the state use data from the FDA enforcement inspections for Synar survey reporting?**

- Yes  No

5. Please answer the following questions regarding the state’s activities to enforce the state’s youth access to tobacco law(s) in FFY 2020 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

a. Which one of the following describes the enforcement of state youth access to tobacco laws carried out in your state? (Check one category only.)

- Enforcement is conducted exclusively by local law enforcement agencies.
- Enforcement is conducted exclusively by state agency(ies).
- Enforcement is conducted by both local *and* state agencies.

b. The following items concern penalties imposed for all violations of state youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES** (this does not include enforcement of local laws or federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark “NA” (not applicable). If a response for an item is unknown, please mark “UNK.” The chart must be filled in completely.

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	NA	UNK	UNK
Number of <u>finest assessed</u>	NA	UNK	UNK
Number of <u>permits/licenses suspended</u>	NA		NA
Number of <u>permits/licenses revoked</u>	NA		NA
Other (Please describe.) As noted further below in Question 3 of Section II, due to the COVID-19 pandemic and the related restrictions imposed by the Governor of the State of Delaware, no Synar inspections were conducted during 2020. The time period originally scheduled to conduct inspections in 2020 was June through September, just as it has been in prior years.	NA	UNK	UNK

c. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey?

- Yes  No

If “Yes” to 5c, please describe the state’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:

A citation can be issued after the criminal act, as defined by state laws, as a consummated purchase. A citation is issued only after the clerk sells the tobacco product(s) to the cooperating underage witness and accepts money in exchange for the tobacco product(s) from the underage witness. The DATE agent who is present and witnesses the consummated purchase during the inspection issues the citation to the clerk or store manager that engaged in the purchase. Some ways that DATE attempts to reduce this bias is to conduct these inspections in as random an approach as possible. The ability to move in a less predictable manner will vary by the size of the zip code area boundaries encompassing the inspection team.

**d. Which one of the following best describes the level of enforcement of state youth access to tobacco laws carried out in your state? (Check one category only.)**

- Enforcement is conducted only at those outlets randomly selected for the Synar survey.
- Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.
- Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

**e. Did every tobacco outlet in the state receive at least one compliance check that included enforcement of the state youth tobacco access law(s) in the last year?**

- Yes  No

**f. What additional activities are conducted in your state to support enforcement and compliance with state youth tobacco access law(s)? (Check all that apply and briefly describe each activity in the text boxes below each activity.)**

- Merchant education and/or training

Delaware continues to support enforcement and compliance efforts through an ongoing merchant education process. State-specific merchant education packages are regularly distributed to each of Delaware's licensed tobacco retailers. The packages include copies of the State law, state mandated stickers, tips to prevent sale of tobacco to youth, sample merchant policy and sample employee training materials, sample employee acknowledgement forms and letters from State Officials. The information also includes the compliance data from the previous year showing the number of clerks and owners cited. Materials that are disseminated are available in 6 languages: Arabic, Hindi, Mandarin Chinese, Korean, Spanish and English.

From a list provided by Division of Revenue (DOR) to DATE, agents hand-deliver the merchant education packet to the owner or manager of each business licensed by DOR. The personal visit is also provided to every new merchant purchasing a license during the year. On a quarterly basis, DOR provides a list of new licenses to DATE. A direct line of communication between the two divisions ensures all merchants are educated on the law and the consequences. During the visit, the enforcement agent reviews all the material in the packet, discusses the laws in detail, and answers any questions on legal issues or youth access to tobacco sales prevention that arise. The storeowner or manager signs a release that he or she received the packet and the training. The storeowner or manager trains store employees, as required by statute. The acknowledgement signed by the owner/manager is maintained at DATE's headquarters. Information regarding the merchant education program is entered onsite into the DATE online system. DATE performs a follow up visit to any business found noncompliant with Division of Revenue licensing requirements on the first visit.

DATE also designs and distributes educational posters for retailers. These posters familiarize retailers with government issued identification in Delaware.

DATE continues to partner with R-Serving to offer to provide free online tobacco training to all licensed tobacco retailers and their employees in Delaware. R-serving's Tobacco Certification course is designed to help sellers understand DE State Law and FDA Regulations, it teaches students how to check / read ID's and recognize fake ID's, as well as offering practical scenarios to learn how to refuse a sale. This free R-serving training is provided in a convenient, online format.

- Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)

DATE continues to support and experiment with various merchant incentive programs. Clerks who participate in a compliance check and successfully pass are celebrated on the spot with a recognition card and keychain that reads, "I PASSED". Each year DATE sends congratulatory letters to all retailers that were in compliance for the year.

- Community education regarding youth access laws

In 2019, DATE implemented a new revised program that continued in 2020. As part of the program, training for retailers is now on the DATE website and all retailers are mailed letters of information and stickers along with the specific webpage address for training. All new retailers for 2020 were hand-delivered the packets with stickers and educated by DATE agents about selling Tobacco products in the State of Delaware. The main method to educate the community is provided by the Department of Public Health's (DPH) tobacco control prevention program. On their website, DPH provides education about Synar regulations and describes how community members can remain in compliance with those regulations. DATE maintains Synar information on their website as well to make it readily accessible to parents, public, and merchants. In addition, DATE conducts community education activities during their recruitment efforts and outreach to organizations that serve youth and their families.

- Media use to publicize compliance inspection results

The main methods used to publicize compliance inspection results are through the State of Delaware websites. After the DATE's scheduled compliance inspection period has concluded, DATE posts the results on their agency website, [http://date.delaware.gov/ATE/tobacco\\_statistics.shtml](http://date.delaware.gov/ATE/tobacco_statistics.shtml). In addition, the Delaware Division of Substance Abuse and Mental Health (DSAMH) posts the Annual Synar Report, inclusive of DATE's annual compliance inspection results, as noted above in Question 2 of Section I.

- Community mobilization to increase support for retailer compliance with youth access laws

\_\_\_\_\_

- Other activities (*Please list.*) \_\_\_\_\_

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## SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the state to meet the requirements of the Synar Regulation in FFY 2020 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

**6. Has the sampling methodology changed from the previous year?**

Yes  No

*The state is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.*

**a. If yes, describe how and when this change was communicated to SAMHSA**

**7. Please answer the following questions regarding the state’s annual random, unannounced inspections of tobacco outlets (see 45 C.F.R. 96.130(d)(2)).**

**a. Did the state use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?**

Yes  No

*If Yes, upload a copy of SSES tables 1–8 (in Excel) to WebBGAS. Then go to Question 8. If No, continue to Question 7b.*

**b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).**

**Unweighted RVR** \_\_\_\_\_

**Weighted RVR** \_\_\_\_\_

**Standard error (s.e.) of the (weighted) RVR** \_\_\_\_\_

**Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.**

$$\text{RVR Estimate} + \text{plus } (1.645 \times \text{Standard Error}) = \text{Right Limit}$$

**Accuracy rate** \_\_\_\_\_

**Completion rate** \_\_\_\_\_

c. **Fill out Form 1 in Appendix A (Forms 1–5).** *(Required regardless of the sample design.)*

d. **How were the (weighted) RVR estimate and its standard error obtained?**  
*(Check the one that applies.)*

Form 2 (Optional) (See Appendix A: Forms 1–5 Templates) *(Attach completed Form 2.)*

Other *(Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)*

e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?**

Yes  No  No stratification

*If Yes, explain how this situation was dealt with in variance estimation.*

f. **Was a cluster sample design used?**

Yes  No

*If Yes, fill out and attach Form 3 (See Appendix A: Forms 1–5 Templates), and answer the following question.*

*If No, go to Question 7g.*

**Were any certainty primary sampling units selected this year?**

Yes  No

*If Yes, explain how the certainty clusters were dealt with in variance estimation.*

g. **Report the following outlet sample sizes for the Synar survey.**

	Sample Size
<b>Effective sample size</b> (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
<b>Target sample size</b> (the product of the effective sample size and the design effect)	
<b>Original sample size</b> (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	
<b>Eligible sample size</b> (number of outlets found to be eligible in the sample)	
<b>Final sample size</b> (number of eligible outlets in the sample for which an inspection was completed)	

h. **Fill out Form 4 (See Appendix A: Forms 1–5 Templates).**

**8. Did the state's Synar survey use a list frame?**

Yes  No

*If Yes, answer the following questions about its coverage.*

**a. The calendar year of the latest Sampling frame coverage study:** Not applicable; the State of Delaware received a waiver from SAMHSA from completing the coverage study. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.

**b. Percent coverage from the latest Sampling frame coverage study:** Not applicable; the State of Delaware received a waiver from SAMHSA from completing the coverage study. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.

**c. Was a new study conducted in this reporting period?**

Yes  No

*If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.*

**d. The calendar year of the next coverage study planned:** Not applicable; the State of Delaware received a waiver from SAMHSA from completing the coverage study. The State of Delaware completes compliance checks on all tobacco retail outlets in the state, regardless of Synar status.

**9. Has the Synar survey inspection protocol changed from the previous year?**

Yes  No

*The state is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.*

**a. If Yes, describe how and when this change was communicated to SAMHSA**

**b. Provide the inspection period: From 06/1/19 to 9/30/19 \***  
MM/DD/YY MM/DD/YY

*\* As noted further below in Question 3 of Section II, due to the COVID-19 pandemic and the related restrictions imposed by the Governor of the State of Delaware, no Synar inspections were conducted during 2020. The time period originally scheduled to conduct inspections in 2020 was June through September, just as it has been in prior years. Therefore, for this Question 9, the results listed are from the 6/1/2019 to 9/30/2019 inspection period (as previously reported on the FFY 2020 Annual Synar Report).*

**c. Provide the number of youth inspectors used in the current inspection year:**

16

NOTE: If the state uses SSES, please ensure that the number reported in 9c matches

that reported in SSES Table 4, or explain any difference.

There were 16 youth inspectors used for the current inspection year. There were 9 Females and 7 Males. Although several youth inspectors had a birthday during the inspection period, no such youth inspector actually performed inspections both before and after their birthday.

To maintain the integrity and anonymity of the Synar sites and ensure officers enforced the standard protocol for all tobacco inspections, the police officers and youth inspectors are not made aware of which tobacco outlets are, or are not, Synar sites. The state continues their efforts to ensure age and gender balance are obtained in the State's enforcement inspections overall which may improve age and gender balance in the subset of inspections included in the Synar sample.

- d. Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the state used SSES to analyze the Synar survey data.)*

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## SECTION II: FFY 2021 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the states provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

### 1. In the upcoming year, does the state anticipate any changes in:

- Synar sampling methodology  Yes  No  
Synar inspection protocol  Yes  No

*If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the state is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.*

### 2. Please describe the state's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2021. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the state.

Despite successes, Delaware is continuing to refine and improve Synar practices. Incentives will only be given to retailers who pass the SYNAR inspection on the initial inspection. DATE continues to request different types of tobacco products every 4th or 5th mission which reduces the chances that a retailer can predict the type of product that will be requested during an inspection.

In an effort to maintain retailer awareness on the requirement to ask for identification DATE will continue to include the educational posters designed to familiarize employees with Delaware's state-issued identification. This poster is now included in the educational packets that the Agents annually hand deliver to all tobacco retailers. During this educational visit, Agents review the information contained in the packets and answer any questions the retailers may have.

DATE has continued their partnership with Rserve.com to provide additional on-line training to all licensed retailers and their employees at no cost to them. This course covers DE State Law, FDA Regulations, how to check/read ID's, recognize fake ID's and offers practical scenarios to learn how to refuse a sale. Retailer participation was low, the feedback from the retailers who have utilized it has been very positive. In 2021, DATE plans to again provide the on-line training at no cost to the retailers and continue to include the flyer about the free on-line training in all Retailer Educational Packets. Agents will continue to encourage retailers to utilize the free training program during their visits.

### 3. Describe any challenges the state faces in complying with the Synar regulation. (Check all that apply and describe each challenge in the text box below it.)

- Limited resources for law enforcement of youth access laws

- Limited resources for activities to support enforcement and compliance with youth tobacco access laws

- Limitations in the state youth tobacco access laws

- Limited public support for enforcement of youth tobacco access laws

- Limitations on completeness/accuracy of list of tobacco outlets

- Limited expertise in survey methodology

- Laws/regulations limiting the use of minors in tobacco inspections

- Difficulties recruiting youth inspectors

- Issues regarding the balance of inspections conducted by youth inspectors age 15 and under

- Issues regarding the balance of inspections conducted by one gender of youth inspectors

- Geographic, demographic, and logistical considerations in conducting inspections

- Cultural factors (e.g., language barriers, young people purchasing for their elders)

- Issues regarding sources of tobacco under tribal jurisdiction

- Other challenges (*Please list.*) \_\_\_\_\_

During FFY 2021, planning for the State of Delaware's Synar inspections which take place each year from June through September were completely stopped in mid-March 2020 due to the COVID-19 pandemic. On March 12, 2020, the Governor of Delaware issued a State of Emergency due to the public health threat of COVID-19. The Governor subsequently extended the State of Emergency several times and designated specific phases of reopening for certain businesses and activities within the State. In light of the impact of these emergency declarations by the Governor

and applicable social distancing guidelines and safety protocols for COVID-19, the State determined that the inspectors would not be able to safely perform any Synar inspections for the intended FFY 2021 inspection period of June 2020 through September 2020. Moreover, after the initial March declaration by the Governor, many tobacco retail outlets in Delaware were closed per the Governor's Orders as they were not deemed to be "essential businesses."

Therefore, the State of Delaware has included the Synar inspection data from the FFY 2020 in this report as the most current Synar compliance information available at this time. The State is hopeful that for the fiscal year of October 1, 2020 through September 30, 2021, that all Synar inspections can be completed; however, to date, Synar inspections are still on hold due to many tobacco retail outlets still not being available and the potential health risks that conducting inspections may pose to the agents and inspectors. A letter dated August 11, 2020 from DATE is attached to the end of this Report which provides an even more detailed explanation of the State's inability to perform Synar inspections due to the COVID-19 pandemic.

Pursuant to the SAMHSA letter dated August 28, 2020, Delaware asks that no penalties be assessed to the State for its inability to perform inspections due to the reasons described above. As the SAMHSA letter states: "Please note that, in accordance with Public Law 116-94, SAMHSA will not enforce any penalties for non-compliance with the Synar reporting requirement at this time. Therefore, 2020 Annual Synar Reports that are out-of-compliance due to incomplete inspections will not be penalized." A copy of this SAMHSA letter is also attached and the end of this Report.

Also, and aside from the specific challenges posed by COVID-19, it should be noted that the State of Delaware's Tobacco Trust Fund is shrinking, and the funding provided to the DATE) for the inspections and enforcement is also shrinking. One of Delaware's best practices is performing an annual inspection of every identified Synar location; however, with funding being reduced, this practice may not be supportable in future inspection years.

## APPENDIX A: FORMS 1–5

### FORM 1 (Required for all states not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate (RVR) using results from the current year’s Synar survey inspections.

**Instructions for Completing Form 1:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

- 1(a) Sequentially number each row.
- 1(b) Write in the name of each stratum. All strata in the state must be listed.

*If no stratification was used:*

- 1(a) Leave blank.
- 1(b) Write “state” in the first row (indicates that the whole state is a single stratum).

*Note for unstratified samples: For Columns 2–5, wherever the instruction refers to “each stratum,” report the specified information for the state as a whole.*

- Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.  
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.  
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

- Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.  
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.  
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

*The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.*

- Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.  
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.  
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

- Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.  
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.  
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each subcolumn (a–c) in Columns 2–5, provide totals for the state as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.



## FORM 2 (Optional)

### Appropriate for stratified simple or systematic random sampling designs.

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and noncomplete inspections encountered during the annual Synar survey.

**Instructions for Completing Form 2:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, *including* substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The state unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the state weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the state will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the state weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2–6, Form 2 (in Excel form) provides totals for the state as a whole in the last row of the table. For Columns 7–11, it calculates the respective statistic for the state as a whole.

**FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.**

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2021
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
<b>Total</b>										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate (p=x/n2)
- N' - estimated number of eligible outlets in population (N'=N\*n1/n)
- w - relative stratum weight (w=N'/Total Column 8)
- pw - stratum contribution to the weighted RVR
- s.e. - standard error of the stratum RVR

**FORM 3 (Required when a cluster design is used for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data.)**

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

**Instructions for Completing Form 3:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the state must be listed.

*If no stratification was used:* Write “state” in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3–5, provide totals for the state as a whole in the last row of the table.

<b>Summary of Clusters Created and Sampled</b>				
				<b>State:</b> Delaware
				<b>FFY:</b> 2021
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
<b>Total</b>				

**FORM 4 (Required for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data)**

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

**Instructions for Completing Form 4:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked “Total.”

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked “Total.”

<b>Inspection Tallies by Reason of Ineligibility or Noncompletion</b>			
		<b>State:</b> Delaware	
		<b>FFY:</b> 2021	
<b>(1) INELIGIBLE</b>		<b>(2) ELIGIBLE</b>	
<b>Reason for Ineligibility</b>	<b>(a) Counts</b>	<b>Reason for Noncompletion</b>	<b>(a) Counts</b>
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) <i>(Describe.)</i>	
Other ineligibility reason(s) <i>(Describe.)</i>			
<b>Total</b>		<b>Total</b>	

**FORM 5 (Required for all states not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data)**

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

**Instructions for Completing Form 5:** In the top right-hand corner of the form, provide the state name and reporting federal fiscal year (FFY 2021).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the “Other” row. Calculate subtotals for males and females in rows marked “Male Subtotal” and “Female Subtotal.” Sum subtotals for Male, Female, and Other and record in the bottom row marked “Total.” Verify that that the total of attempted buys and successful buys equals the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

<b>Synar Survey Inspector Characteristics</b>		
		<b>State:</b> Delaware
		<b>FFY:</b> 2021
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
<b>Female Subtotal</b>		
<b>Other</b>		
<b>Total</b>		

## APPENDIXES B & C: FORMS

### Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the state's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the state's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C) and respond to Question #10 of Appendix B to provide the requested information about sample size calculations for the Synar survey conducted in FFY 2020.

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## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: Delaware  
 FFY: 2021

**1. What type of sampling frame is used?**

- List frame (*Go to Question 2.*)
- Area frame (*Go to Question 3.*)
- List-assisted area frame (*Go to Question 2.*)

**2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (*After completing this question, go to Question 4.*)**

*Use the corresponding number to indicate Type of Source in the table below.*

- |   |  |
|---|--|
| 1 – Statewide commercial business list    | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list        | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other                                |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Department of Finance/Division of Revenue	3	The list contains retail tobacco licenses.	The list is updated quarterly by the Department of Finance/Division of Revenue. The accuracy of the sampling data is checked by: (1) tobacco enforcement officers during regular Synar or State checks; (2) tobacco enforcement officers during routine checks for other businesses, (3) Any updates by Division of Alcohol and Tobacco Enforcement are forwarded to the Division of Revenue for the annual update.

**3. If an area frame is used, describe how area sampling units are defined and formed.**

**a. Is any area left out in the formation of the area frame?**

- Yes    No

*If Yes, what percentage of the state's population is not covered by the area frame?*

\_\_\_\_\_ %

**4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?**

- Yes    No

If **No**, please indicate the reason(s) they are not included in the Synar survey. Please check all that apply.

- State law bans vending machines.
- State law bans vending machines from locations accessible to youth.
- State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act.
- Other (Please describe.) \_\_\_\_\_

If **Yes**, please indicate how likely it is that vending machines will be sampled.

- Vending machines are sampled separately to ensure vending machines are included in the sample
- Vending machines are sampled together with over the counter outlets, so it is possible that no vending machines were sampled, however they are included in the sampling frame and have a non-zero probability of selection
- Other reasons (Please describe.) \_\_\_\_\_

5. Which category below best describes the sample design? (Check only one.)

- Census** (STOP HERE: Appendix B is complete.)

**Unstratified statewide sample:**

- Simple random sample (Go to Question 9.)
- Systematic random sample (Go to Question 6.)
- Single-stage cluster sample (Go to Question 8.)
- Multistage cluster sample (Go to Question 8.)

**Stratified sample:**

- Simple random sample (Go to Question 7.)
- Systematic random sample (Go to Question 6.)
- Single-stage cluster sample (Go to Question 7.)
- Multistage cluster sample (Go to Question 7.)
- Other** (Please describe and go to Question 9.) Simple Random using the prior year Synar inspection results as described above in Question 3 of Section II.

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

7. Provide the following information about stratification.

a. Provide a full description of the strata that are created.

b. Is clustering used within the stratified sample?

- Yes** (Go to Question 8.)

No (Go to Question 9.)

**8. Provide the following information about clustering.**

- a. Provide a full description of how clusters are formed. (If multistage clusters are used, give definitions of clusters at each stage.)

- b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

**9. Provide the following information about determining the Synar Sample.**

- a. Was the Synar Survey Estimation System (SSES) used to calculate the sample size?

Yes (Respond to part b.)

No (Respond to part c and Question 10c.)

- b. SSES Sample Size Calculator used?

State Level (Respond to Question 10a.)

Stratum Level (Respond to Question 10a and 10b.)

- c. Provide the formulas for determining the effective, target, and original outlet sample sizes.

**10. Provide the following information about sample size calculations for the Synar survey conducted in FFY 2020. Note that the State is using the prior year Synar inspection results as described above in Question 3 of Section II.**

- a. If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the state level sample size, please provide the following information:

**Inputs for Effective Sample Size:**

RVR: 4.2%

Frame Size: 1,199

**Input for Target Sample Size:**

Design Effect: 1.0

**Inputs for Original Sample Size:**

Safety Margin: 20%

Accuracy (Eligibility) Rate: 87.3%

Completion Rate: 100%

The State has now adopted a policy to use the larger of either the calculated original sample size, or 200, as a conservative way to reduce the standard error.

- b. If the state uses the sample size formulas embedded in the SSES Sample Size Calculator to calculate the stratum level sample sizes, please provide the stratum level information:**

Effective Sample Size: 92
Target (Minimum) Sample Size: 92
Original Sample Size: 245
Eligible Sample Size: 214
Final Sample Size: 214
Overall Sampling Rate: 20.4%

- c. If the state does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.**

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## APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL SUMMARY

State: Delaware  
FFY: 2021

*Note: Upload to WebBGAS a copy of the Synar inspection form under the heading “Synar Inspection Form” and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading “Synar Inspection Protocol.”*

### 1. How does the state Synar survey protocol address the following?

#### a. Consummated buy attempts?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### b. Youth inspectors to carry ID?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### c. Adult inspectors to enter the outlet?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

#### d. Youth inspectors to be compensated?

- Required  
 Permitted under specified circumstances (Describe: \_\_\_\_\_ )  
 Not permitted

### 2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply.)

- Law enforcement agency(ies)  
 State or local government agency(ies) other than law enforcement  
 Private contractor(s)  
 Other

List the agency name(s): Department of Safety and Homeland Security’s Division of Alcohol and Tobacco Enforcement

**3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives issue warnings or citations to retailers found in violation of the law at the time of the inspection)?**

Always    Usually    Sometimes    Rarely    Never

**4. Describe the type of tobacco products that are requested during Synar inspections.**

**a. What type of tobacco products are requested during the inspection?**

- Cigarettes
- Small Cigars
- Cigarillos
- Smokeless Tobacco
- Electronic Cigarettes/Electronic Nicotine Delivery Systems (ENDS)
- Other

**b. Describe the protocol for identifying what types of products and what brands of products are requested during an inspection.**

Attempted tobacco purchases shall be made from a variety of tobacco products with a goal of 20% of the operation tests being a cigar, smokeless tobacco and/or a tobacco substitute (e-cig) product.

Agents communicate to the youth inspectors what type and brand of product to request during an inspection. The type of products is based on a variety of information obtained in the field and the type of store they are testing. Typically, they have youth inspectors request items that are appealing to a youthful smoker and/or are known to be popular in the area where the compliance test is conducted.

**5a. Describe the methods used to recruit, select, and train adult supervisors.**

The Division of Alcohol & Tobacco Enforcement has adopted an official training program for the Cooperating Underage Witness program. This training program must be attended by Agents when first hired and annually as needed during roll call or in-service training. The training is conducted to ensure that Agents are familiar with any law changes that have occurred as well as their duties and responsibilities.

**Training outline for new agents:**

The Tobacco Coordinator (with assistance from an Agent III) will conduct the training.

The training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products.

The Policy Directive will be used as the course material and the information contained will be the trainer's guide.

The trainer will ensure that they have completely discussed this directive with the agent being trained and that they understand its content and intent.

Additionally, the trainer will discuss the following: Results of past investigations, enforcement strategies, the proper conduct when dealing with retailers, conducting the check, conducting follow-up checks, compliance check forms, evidence handling, enforcement actions and the role of the minor. The training ends with a Question & Answer session.

**Training outline for annual agent training (as needed):**

The Tobacco Coordinator (with assistance from an Agent III) will conduct the training.

The training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products.

The Policy Directive will be used as the course material and the information contained will be the trainer's guide.

The trainer will ensure that they have completely discussed the directive with the agents being trained and that they understand its content and intent

Additionally, the trainer will discuss the following: Results of past investigations, enforcement strategies, the proper conduct when dealing with retailers, conducting the check, conducting follow-up checks, compliance check forms, and the role of the minor. The training ends with a Question & Answer session.

**5b. Describe the methods used to recruit, select, and train youth inspectors.**

When recruiting opens for the Tobacco Cooperating Underage Witness ("CUW") program, an official announcement is distributed via email within our Department, to past CUW's and Stakeholders, and to school resource officers. Additionally, announcements are made on our social media outlets - Facebook and Twitter.

Once we receive all the applications, we compile a list of those who are qualified based off the guidelines below. We also make sure the list of qualified applicants is an even blend of males/females and that we have adequate coverage in all 3 counties. The guidelines are as follows:

1. Tobacco CUWs are 16 - 17 years old. The CUW must turn 16 prior to February 1 of the program year and cannot turn 18 until after November of the program year.
2. Must have parental permission to participate
3. Successfully complete a background screening
4. Provide a copy of their Birth Certificate and of their Social Security Card
5. Must obtain a work permit from the Department of Labor.
6. Must have a State of Delaware issued identification card or driver's license from the Division of Motor Vehicles.
7. Must agree to being photographed on a monthly basis for record keeping requirements of the program.
8. Will be required to adhere to all Division policies during the operation. All CUWs will be briefed on these policies by an Agent, prior to the start of a Tobacco CUW operation.

10. Tobacco CUWs must appear by a reasonable person's standard to be under 18 years of age.

11. All Tobacco CUWs must follow a strict dress code which includes the requirement that males may not have facial hair and females may not wear excessive amounts of make-up.

The Division has adopted an official training program for Cooperating Underage Witnesses. This training program must be attended by all CUW's in order for them to be considered active and thereby available for use. No tobacco CUW will be permitted to participate in the tobacco program unless they have first completed the mandatory Tobacco CUW Training Program.

**Training outline for Cooperating Underage Witnesses:**

The Tobacco Coordinator will conduct the training.

The Training will begin with an overview of the Division's involvement in the State of Delaware's efforts to reduce youth access to tobacco products and includes subjects such as the following:

The importance and role of the CUW.

The proper conduct when making a purchase.

How the check will be conducted.

What type of tobacco products they are to attempt to purchase.

What to do if they are out of what the CUW asks for.

What to do if they do not feel safe.

How to fill out their forms and paperwork.

A discussion of the Division's pay and meal policies for CUW's

The training will end with a Question and Answer session.

**6. Are there specific legal or procedural requirements instituted by the state to address the issue of youth inspectors' immunity when conducting inspections?**

**a. Legal**

Yes  No

*(If Yes, please describe.)*

Delaware State Law grants immunity to youth inspectors.

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

Delaware State Law grants immunity to youth inspectors.

**7. Are there specific legal or procedural requirements instituted by the state to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?**

**a. Legal**

Yes  No

*(If Yes, please describe.)*

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

1. The safety and welfare of the CUW will be of utmost importance to all agency personnel participating in this program. CUW's will not be exposed to any unusual, unnecessary, or unreasonable risk of harm or personal injury.
  2. CUW's shall be closely supervised at all times and the Agent in charge of the operation must be on-site at all times.
  3. CUW's are not permitted under any circumstance to carry, possess, conceal or use any weapon.
  4. CUW's will not wear, exhibit, or carry any DATE or law enforcement identification at any time, and will not falsely represent themselves as members of a law enforcement unit while participating as CUW's.
  5. The Agent shall insure that the parents of the CUW are aware of the times and locations that the CUW is to be picked up and dropped off.
  6. No CUW shall be picked up or dropped off at a location or a time that the CUW's parent/guardian has not personally given the Agent their approval of.
  7. At no time when a CUW is in the vehicle shall an Agent take any type of police action unless the Agent is convinced that the CUW will not be put at risk and that the action is being taken as the only means of preventing the CUW, Agent or some other person from injury or death.

**8. Are there any other legal or procedural requirements the state has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?**

**a. Legal**

Yes  No

*(If Yes, please describe.)*

**b. Procedural**

Yes  No

*(If Yes, please describe.)*

Informational packets are provided to each prospective Cooperating Underage Witness. The forms contained in this packet must be completed and signed by the appropriate persons. They must then be returned to the Tobacco Coordinator. The list of CUW's who have fulfilled all the requirements will then be presented to the Director or his/her designee for approval. The perspective CUW may not be utilized until approval of the Director or his/her designee has been granted and the CUW has completed all of their paperwork, passed a pre-employment background investigation, and completed the training program.

**TOBACCO CUW AGE REQUIREMENTS:**

- All tobacco CUW's shall be sixteen (16) to seventeen (17) years of age.
- A person younger than sixteen (16) years of age, or a person who has reached their eighteenth (18th) birthday may not participate in the Tobacco CUW program.
- All tobacco CUW's must appear by a reasonable person's standard to be under eighteen (18) years of age.

**Minors 16-17 years of age:**

- May not work more than twelve (12) hours in a combination of school hours and work hours per day.
- May not work more than twelve (12) hours in a combination of school and work hours per day.
- Must have at least eight (8) consecutive hours of non-work, non-school time in each 24-hour period.
- May not work more than five (5) hours continuously without a non-work period of at least 30 consecutive minutes.

## APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: Delaware  
FFY: 2021

1. Calendar year of the coverage study: \_\_\_\_\_
  
2.
  - a. Unweighted percent coverage found: \_\_\_\_\_%
  - b. Weighted percent coverage found: \_\_\_\_\_%
  - c. Number of outlets found through canvassing: \_\_\_\_\_
  - d. Number of outlets matched on the list frame: \_\_\_\_\_
  
3.
  - a. Describe how areas were defined. (e.g., census tracts, counties, etc.)
  
  - b. Were any areas of the state excluded from sampling?  
 Yes  No  
*If Yes, please explain.*
  
4. Please answer the following questions about the selection of canvassing areas.
  - a. Which category below best describes the sample design? (Check only one.)  
 Census (Go to Question 6.)  
**Unstratified statewide sample:**  
 Simple random sample (Respond to Part b.)  
 Systematic random sample (Respond to Part b.)  
 Single-stage cluster sample (Respond to Parts b and d.)  
 Multistage cluster sample (Respond to Parts b and d.)  
**Stratified sample:**  
 Simple random sample (Respond to Parts b and c.)  
 Systematic random sample (Respond to Parts b and c.)  
 Single-stage cluster sample (Respond to Parts b, c, and d.)  
 Multistage cluster sample (Respond to Parts b, c, and d.)  
 Other (Please describe and respond to Part b.) \_\_\_\_\_

**b. Describe the sampling methods.**

**c. Provide a full description of the strata that were created.**

**d. Provide a full description of how clusters were formed.**

**5. Were borders of the selected areas clearly identified at the time of canvassing?**

Yes  No

**6. Were all sampled areas visited by canvassing teams?**

Yes (*Go to Question 7.*)  No (*Respond to Parts a and b.*)

**a. Was the subset of areas randomly chosen?**

Yes  No

**b. Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.**

**7. Were field observers provided with a detailed map of the canvassing areas?**

Yes  No

*If No, describe the canvassing instructions given to the field observers.*

**8. Were field observers instructed to find all outlets in the assigned area?**

Yes  No

*If No, respond to Question 9.*

*If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.*

**9. If a full canvassing was not conducted:**

a. How many predetermined outlets were to be observed in each area? \_\_\_\_\_

b. What were the starting points for each area? \_\_\_\_\_

c. Were these starting points randomly chosen?

Yes  No

d. Describe the selection of the starting points.

e. Please describe the canvassing instructions given to the field observers, including predetermined routes.

**10. Describe the process field observers used to determine if an outlet sold tobacco.**

**11. Please provide the state's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc.).**

**12. Provide the calculation of the weighted percent coverage (if applicable).**

**SSES Table 1 (Synar Survey Estimates and Sample Sizes)****CSAP-SYNAR REPORT**

State	DE
Federal Fiscal Year (FFY)	2020
Date	12/31/19 15:52
Data	SSESv7_DataEntryTemplate_SRS - FY20 - 12-31-19.xlsx
Program Version	Version 7.0
Analysis Option	Stratified SRS with FPC

**Estimates**

Unweighted Retailer Violation Rate	4.2%
Weighted Retailer Violation Rate	4.2%
Standard Error	1.2%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 6.2%]
Two-sided 95% Confidence Interval	[1.8%, 6.6%]
Design Effect	1.0
Accuracy Rate (unweighted)	87.3%
Accuracy Rate (weighted)	87.3%
Completion Rate (unweighted)	100.0%

**Sample Size for Current Year**

Effective Sample Size	92
Target (Minimum) Sample Size	92
Original Sample Size	245
Eligible Sample Size	214
Final Sample Size	214
Overall Sampling Rate	20.4%



Substance Abuse and Mental Health  
Services Administration

5600 Fishers Lane • Rockville, MD 20857

www.samhsa.gov • 1-877-SAMHSA-7 (1-877-726-4727)



August 28, 2020

Dear State Authority for Mental and Substance Use Disorders:

The COVID-19 pandemic has presented States with several challenges in their efforts to implement the Synar program, which monitors the sale and distribution of tobacco products to minors. Synar inspections are carried out each year by youth inspectors, who visit retail establishments and attempt to purchase tobacco products. Recognizing the importance of keeping the youth inspectors healthy and safe, and in compliance with state and local public health orders, the Substance Abuse and Mental Health Services Administration (SAMHSA) is providing states with the following guidance on completing their Synar submission for calendar year 2020.

#### Annual Synar Report Due Date

States are required to submit their annual Synar report by December 31. States are encouraged to make every reasonable attempt to submit their 2020 Annual Synar Report on time, to the best of their ability, including submitting incomplete or partial inspection results. States may describe the challenges they faced due to COVID-19 in Section 3, “Describe any challenges the state faces in complying with the Synar regulation.”

Please note that, in accordance with Public Law 116-94, SAMHSA will not enforce any penalties for non-compliance with the Synar reporting requirement at this time. Therefore, 2020 Annual Synar Reports that are out-of-compliance due to incomplete inspections will not be penalized.

#### Coverage Study Extensions

Another component of the Synar reporting process is the coverage study, which inventories retail outlets in each state that sells tobacco products. Some states include an in-person component of their coverage studies. SAMHSA understands these in-person studies may have also been hampered by COVID-19 orders.

States may request a one-year coverage study extension from SAMHSA through their Government Project Officer (GPO). To request an extension, states need to provide their GPO with the most recent compliance information, including whether the previous coverage study rate and the retail violation rates are in compliance.

SAMHSA is committed to supporting your state’s efforts to reduce underage tobacco usage, and other substance use and mental health priorities, especially during this challenging time.

However, we also want to ensure the safety and well-being of our youth inspectors and other public health professionals. If you have any further questions about completing your Synar

report, please reach out to your GPO, or to Christopher O’Connell, Director of the Division of State Programs, at [Christopher.oconnell@samhsa.hhs.gov](mailto:Christopher.oconnell@samhsa.hhs.gov).

Sincerely,

Elinore F. McCance-Katz, M.D., Ph.D.  
Assistant Secretary for Mental Health and  
Substance Use



**STATE OF DELAWARE**  
**Department of Safety & Homeland Security**  
**DIVISION OF ALCOHOL & TOBACCO**  
**ENFORCEMENT**

34 STARLIFTER AVENUE  
DOVER, DE 19901

TELEPHONE: (302) 741-2721  
FAX: (302) 739-4770

**TO:** Lisa Lynch, Ed.D, Program Manager, DSAMH-SAPTBG  
**FROM:** John Yeomans, Chief of Police  
**RE:** 2020 Tobacco/Synar Compliance Checks  
**DATE:** August 11, 2020

Pursuant to the State of Emergency declaration ordered March 12, 2020 and subsequent modifications issued by Governor Carney, the Division of Alcohol and Tobacco Enforcement suspended the 2020 Tobacco/SYNAR Compliance Program and the Cooperating Underage Witness (CUW) Program until further notice due to health and safety precautions.

On June 15, 2020 Delaware entered Phase II of economic reopening where we currently remain today. Phase II provides guidance for individuals and businesses that must be followed, where strict social distancing must be observed, and great care must be taken to limit the spread of the virus in order to prevent future outbreaks.

The Division strongly believes that some of the Phase II guidelines and a recent increase in positive COVID cases in Delaware among the 18-34 age group population may restrict the Division from safeguarding the health and safety of CUW's, officers and the public when conducting Tobacco/Synar Compliance Checks.

- Enforcement officers interact with numerous people and the general public every day in retail environments and public settings throughout the entire state. There is great potential that CUW's are at greater risk of spreading and/or contracting COVID-19 while conducting Tobacco/Synar Compliance Checks.
- It is not practical for CUW's and Enforcement officers to remain six (6) feet apart while working Tobacco/Synar Compliance Checks. CUW's and Enforcement officers work to close to one another and commute to/from locations in the same vehicle. CUW's and Enforcement officers work in public locations where social distancing may not be practiced and/or locations where COVID-19 hot spots are identified.



**STATE OF DELAWARE**  
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- The age of our CUW's range from 17-20 years old. According to recent data<sup>1</sup> from the Delaware Department of Health and Social Services, 18-to-34-year-olds remain the age group with the highest rate of COVID-19 infections in Delaware.

The 2020 Tobacco/Synar Compliance Program will continue to be suspended until Delaware at least enters Phase III of economic reopening. The timeframe of entering Phase III remains uncertain which may result in the Division from not meeting the deadline to complete Tobacco/Synar Compliance Checks by September 30, 2020.

As a result, the Division of Alcohol and Tobacco Enforcement respectfully requests a waiver to be exempt from any or all penalties as a result of not completing the 2020 Tobacco/Synar Compliance Checks for the reasons outlined in this letter by the deadline.

The Division of Alcohol and Tobacco Enforcement remains committed to protecting the health, safety and wellness of Delawareans through the enforcement of state tobacco and alcohol laws. Should you have any questions, please feel free to contact me at 302-741-2719 or [john.yeomans@delaware.gov](mailto:john.yeomans@delaware.gov).

Sincerely,

John Yeomans  
Chief of Police  
Division of Alcohol and Tobacco Enforcement

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<sup>1</sup> [My Healthy Community, Delaware Environmental Public Health Tracking Network](#)